

ASSEMBLY BILL

No. 1839

Introduced by Assembly Member Ma

February 22, 2012

An act to amend Sections 4826, 4826.2, 4833, 4836, 4836.1, 4836.5, 4840, 4840.2, 4840.7, and 4840.9 of the Business and Professions Code, relating to veterinary medicine.

LEGISLATIVE COUNSEL'S DIGEST

AB 1839, as introduced, Ma. Veterinary medicine: veterinary assistants.

Existing law, the Veterinary Medicine Practice Act, provides for the licensure and registration of veterinarians and registered veterinary technicians and the regulation of the practice of veterinary medicine by the Veterinary Medical Board. The act also permits unregistered assistants to carry out specified acts in the veterinary care and treatment of animals, and authorizes the board to regulate the veterinary care activities of unregistered assistants.

This bill would instead refer to unregistered assistants as veterinary assistants throughout the act.

Existing law authorizes, until January 1, 2013, a registered veterinary technician and an unregistered assistant to administer a drug, including, but not limited to, a drug that is a controlled substance, except for the induction of anesthesia, under specified circumstances.

This bill would make these provisions operative indefinitely, and would authorize veterinary assistants to administer a controlled substance only if specified requirements are satisfied, including completion of a fingerprinting background check. The bill would also

authorize the board to limit veterinary assistants' access to specified dangerous drugs, as defined.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4826 of the Business and Professions
2 Code is amended to read:
- 3 4826. A person practices veterinary medicine, surgery, and
4 dentistry, and the various branches thereof, when he or she does
5 any one of the following:
- 6 (a) Represents himself or herself as engaged in the practice of
7 veterinary medicine, veterinary surgery, or veterinary dentistry in
8 any of its branches.
- 9 (b) Diagnoses or prescribes a drug, medicine, appliance,
10 application, or treatment of whatever nature for the prevention,
11 cure or relief of a wound, fracture, bodily injury, or disease of
12 animals.
- 13 (c) Administers a drug, medicine, appliance, application, or
14 treatment of whatever nature for the prevention, cure, or relief of
15 a wound, fracture, bodily injury, or disease of animals, except
16 where the medicine, appliance, application, or treatment is
17 administered by a registered veterinary technician or—~~an~~
18 ~~unregistered~~ a veterinary assistant at the direction of and under
19 the direct supervision of a licensed veterinarian subject to Article
20 2.5 (commencing with Section 4832) or where the drug, including,
21 but not limited to, a drug that is a controlled substance, is
22 administered by a registered veterinary technician or—~~an~~
23 ~~unregistered~~ a veterinary assistant pursuant to Section 4836.1.
24 However, no person, other than a licensed veterinarian, may induce
25 anesthesia unless authorized by regulation of the board.
- 26 (d) Performs a surgical or dental operation upon an animal.
- 27 (e) Performs any manual procedure for the diagnosis of
28 pregnancy, sterility, or infertility upon livestock or Equidae.
- 29 (f) Uses any words, letters or titles in such connection or under
30 such circumstances as to induce the belief that the person using
31 them is engaged in the practice of veterinary medicine, veterinary
32 surgery, or veterinary dentistry. This use shall be prima facie
33 evidence of the intention to represent himself or herself as engaged

1 in the practice of veterinary medicine, veterinary surgery, or
2 veterinary dentistry.

3 SEC. 2. Section 4826.2 of the Business and Professions Code
4 is amended to read:

5 4826.2. Notwithstanding any other provision of law, a
6 veterinarian, registered veterinary technician, or ~~an unregistered~~
7 *a veterinary* assistant working under the supervision of a
8 veterinarian, may provide veterinary care and treatment for any
9 animal restricted pursuant to Section 2118 of the Fish and Game
10 Code. A veterinarian, registered veterinary technician, or ~~an~~
11 ~~unregistered~~ *a veterinary* assistant working under the supervision
12 of a veterinarian, may lawfully possess one or more of the animals
13 only for the period of time that, in his or her judgment, veterinary
14 care and treatment are necessary. No veterinarian, registered
15 veterinary technician, or ~~unregistered~~ *veterinary* assistant working
16 under the supervision of a veterinarian, has a duty to advise law
17 enforcement if he or she becomes aware that one or more of the
18 animals is possessed in the state. For the purposes of this section,
19 “veterinary care and treatment” does not include boarding when
20 no veterinary care or treatment is required.

21 SEC. 3. Section 4833 of the Business and Professions Code is
22 amended to read:

23 4833. (a) The committee shall advise and may assist the board
24 in the examination of applicants for veterinary technician
25 registration. The examination shall be held at least once a year at
26 the times and places designated by the board.

27 (b) The committee may investigate and evaluate each applicant
28 applying for registration as a registered veterinary technician and
29 may recommend to the board for final determination the admission
30 of the applicant to the examination and eligibility for registration.

31 (c) The committee may make recommendations to the board
32 regarding the establishment and operation of the continuing
33 education requirements authorized by Section 4838 of this article.

34 (d) The committee shall advise and may assist the board in the
35 inspection and approval of all schools or institutions offering a
36 curriculum for training registered veterinary technicians.

37 (e) The committee may advise and assist the board in developing
38 regulations to establish animal health care tasks and the appropriate
39 degree of supervision required for those tasks for registered
40 veterinary technicians and for ~~unregistered~~ *veterinary* assistants.

(f) The committee may advise and assist the board in developing regulations to define subdivision (c) of Section 4840, including, but not limited to, procedures for citations and fines, in accordance with Section 125.9.

(g) This section shall become inoperative on the July 1 following the initial appointment of a registered veterinary technician to the board, and on the January 1 following that date is repealed, unless a later enacted statute, that becomes operative on or before that January 1, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 4. Section 4836 of the Business and Professions Code is amended to read:

4836. (a) The board shall adopt regulations establishing animal health care tasks and an appropriate degree of supervision required for those tasks that may be performed only by a registered veterinary technician or a licensed veterinarian.

(b) The board also may adopt regulations establishing animal health care tasks that may be performed by ~~an unregistered a~~ *veterinary* assistant as well as by a registered veterinary technician or a licensed veterinarian. The board shall establish an appropriate degree of supervision by a registered veterinary technician or a licensed veterinarian over ~~an unregistered a veterinary~~ assistant for any tasks established under this subdivision and the degree of supervision for any of those tasks shall be higher than, or equal to, the degree of supervision required when a registered veterinary technician performs the task.

(c) The board may adopt regulations, as needed, to define subdivision (c) of Section 4840, including, but not limited to, procedures for citations and fines, in accordance with Section 125.9.

SEC. 5. Section 4836.1 of the Business and Professions Code is amended to read:

4836.1. (a) Notwithstanding any other provision of law, a registered veterinary technician or ~~an unregistered a veterinary~~ assistant may administer a drug, including, but not limited to, a drug that is a controlled substance, under the direct or indirect supervision of a licensed veterinarian when done pursuant to the order, control, and full professional responsibility of a licensed veterinarian. However, no person, other than a licensed

1 veterinarian, may induce anesthesia unless authorized by regulation
2 of the board.

3 *(b) Access to controlled substances by veterinary assistants*
4 *under this section is limited to persons who have completed a state*
5 *and federal fingerprinting background check and who do not have*
6 *any drug or alcohol related felony convictions. The results of the*
7 *background check shall be retained in the personnel records of*
8 *the employer and made available to the Veterinary Medical Board*
9 *and the Department of Justice, upon their request.*

10 *(c) Notwithstanding subdivision (b), if the Veterinary Medical*
11 *Board, in consultation with the Board of Pharmacy, identifies a*
12 *dangerous drug, as defined in Section 4022, as a drug which has*
13 *an established pattern of being diverted, the Veterinary Medical*
14 *Board may restrict access to that drug by veterinary assistants.*

15 ~~(b)~~

16 (d) For purposes of this section, the following definitions apply:

17 (1) "Controlled substance" has the same meaning as that term
18 is defined in Section 11007 of the Health and Safety Code.

19 (2) "Direct supervision" has the same meaning as that term is
20 defined in subdivision (e) of Section 2034 of Title 16 of the
21 California Code of Regulations.

22 (3) "Drug" has the same meaning as that term is defined in
23 Section 11014 of the Health and Safety Code.

24 (4) "Indirect supervision" has the same meaning as that term is
25 defined in subdivision (f) of Section 2034 of Title 16 of the
26 California Code of Regulations.

27 ~~(e) This section shall remain in effect until January 1, 2013, and~~
28 ~~as of that date is repealed, unless a later enacted statute, which is~~
29 ~~enacted before January 1, 2013, deletes or extends that date.~~

30 SEC. 6. Section 4836.5 of the Business and Professions Code
31 is amended to read:

32 4836.5. The board shall take action pursuant to Article 4
33 (commencing with Section 4875) of this chapter against any
34 veterinarian licensed or authorized to practice in this state who
35 permits any registered veterinary technician or ~~unregistered~~
36 *veterinary* assistant to perform any animal health care services
37 other than those allowed by this article.

38 SEC. 7. Section 4840 of the Business and Professions Code is
39 amended to read:

1 4840. (a) Registered veterinary technicians and ~~unregistered~~
2 *veterinary* assistants are approved to perform those animal health
3 care services prescribed by law under the supervision of a
4 veterinarian licensed or authorized to practice in this state.

5 (b) Registered veterinary technicians may perform animal health
6 care services on those animals impounded by a state, county, city,
7 or city and county agency pursuant to the direct order, written
8 order, or telephonic order of a veterinarian licensed or authorized
9 to practice in this state.

10 (c) Registered veterinary technicians may apply for registration
11 from the federal Drug Enforcement Administration that authorizes
12 the direct purchase of sodium pentobarbital for the performance
13 of euthanasia as provided for in subdivision (d) of Section 4827
14 without the supervision or authorization of a licensed veterinarian.

15 SEC. 8. Section 4840.2 of the Business and Professions Code
16 is amended to read:

17 4840.2. Registered veterinary technicians and ~~unregistered~~
18 *veterinary* assistants shall not perform the following health care
19 services:

20 (a) Surgery.

21 (b) Diagnosis and prognosis of animal diseases.

22 (c) Prescribing of drugs, medicine and appliances.

23 SEC. 9. Section 4840.7 of the Business and Professions Code
24 is amended to read:

25 4840.7. (a) A registered veterinary technician who has been
26 examined by the board in the area of radiation safety and techniques
27 may operate radiographic equipment under the indirect supervision
28 of a licensed veterinarian.

29 (b) (1) ~~An unregistered~~ A *veterinary* assistant who has been
30 trained in the area of radiation safety and techniques may operate
31 radiographic equipment under the direct supervision of a registered
32 veterinary technician or a licensed veterinarian.

33 (2) The responsible managing licensee of a veterinary premises
34 shall maintain records of the training described in paragraph (1).
35 ~~An unregistered~~ A *veterinary* assistant for whom records of this
36 training do not exist shall not operate radiographic equipment.

37 (3) The training records described in paragraph (2) shall be
38 made available to the board upon request and at the time of any
39 inspection of the veterinary premises.

1 SEC. 10. Section 4840.9 of the Business and Professions Code
2 is amended to read:
3 4840.9. Registered veterinary technicians and ~~unregistered~~
4 *veterinary* assistants may be employed by any veterinarian licensed
5 or authorized to practice in this state or by any governmental
6 agency which employs veterinarians. However, the employer must
7 be fully aware of the provisions of this article as stated by
8 regulations adopted by the board pursuant to Section 4836.

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